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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

VIOLENCE AGAINST WOMEN

Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 1997/44

Addendum

Report on the mission to Haiti

GE.00-10410 (E)

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I. INTRODUCTION

1. In follow-up to Commission on Human Rights resolution 1999/77, entitled "Situation of human rights in Haiti", in which the Commission reiterated its call to the Special Rapporteur on violence against women to consider favourably the invitation by the Government of Haiti to visit the country, the Special Rapporteur visited Haiti from 14 to 17 June 1999. The Special Rapporteur's fact-finding focused on the situation of violence against women in Haiti and the available response mechanisms, including the law enforcement and judicial institutions, and on the political rape committed against women during the military regime from 1991 to 1994, in particular.

2. The Special Rapporteur would like to express her appreciation for the cooperation and assistance extended to her by the Government of Haiti and, in particular, by Ms. Nonie Mathieu, Minister for the Status of Women, and her staff, which enabled the Special Rapporteur to meet with representatives of all relevant sectors of society and to obtain the necessary information and documentation to be able to report to the Commission on Human Rights in an objective and impartial manner.

3. The Special Rapporteur is very grateful for the efficient cooperation and support provided by the United Nations Development Programme (UNDP), in particular by Ms. Jaqueline Rips, Gender Specialist, in ensuring a substantively and logistically successful visit. The Special Rapporteur would also like to thank Mr. Julian Harston, Special Representative of the Secretary-General, as well as Ambassador Colin Granderson, Executive Director of the International Civilian Mission in Haiti (MICIVIH), for facilitating the Special Rapporteur's understanding of the prevailing political, economic and social context of Haiti at the time of her visit.

4. During her mission, the Special Rapporteur met with high-level government representatives, including Ms. Geri Préval, First Lady of Haiti, Mr. Jacques Alexis, Prime Minister of Haiti, and Mrs. Frederika Alexis, the Minister for the Status of Women, the Minister for Foreign Affairs, the Minister of Justice, the Minister for Social Affairs and Labour, the Director-General of the National Police and the Ombudsman. The Special Rapporteur also met with representatives of non-governmental and women's organizations and interviewed over 30 women victims of violence. In addition, the Special Rapporteur visited Fort National, a prison in Port-au-Prince, and interviewed women detainees.

5. The Special Rapporteur would like to express her heartfelt thanks to all the women who agreed, despite much emotional stress, to recount their very personal stories to her, so that she could attempt to understand at least some of the suffering they had lived through. The Special Rapporteur was deeply touched by the strong resolve of all the women she met and by their determination to seek justice despite the many obstacles in their way.

II. GENERAL FINDINGS

6. Haiti remains the poorest and least industrialized nation in the Western hemisphere. It has an economic growth rate of between 1.3 and 2 per cent, with over 70 per cent of the population of 7 million living in extreme poverty, completely out of reach of government and

any services. Six per cent of the population control 66 per cent of the wealth of the country. International financial institutions estimate that if Haiti's economic growth rate were 7 per cent for the next 10 years, 60 per cent of the population would still continue to live in extreme poverty. It has been estimated that some 70 per cent of the population have no dealings with the Haitian State, leading to what has often been described as a "failed State" syndrome.

7. This is the stark reality within which a new political culture of democracy and tolerance is trying to find sustainable roots. Human security is dangerously weak, the average life expectancy at birth is 53.7 years,[1] over half the population lacks access to safe drinking water, health services and sanitation facilities, and violence is rampant in Haiti. After the horrendous manifestations of political violence, including political rape, during the Duvalier dictatorships and most recently from 1991 to 1994, following the military coup d'état, Haitian women continue to suffer from what some interlocutors referred to as "structural violence", targeted at the most vulnerable and poor.

8. In addition, the decay of infrastructure, urban overpopulation and violence are exacerbated by what one writer summarizes as "extreme political polarization, class divisions and a fractured national identity".[2] In 1999, after five years of democratically elected government, Haiti's judicial system is still non-existent, the legislature has not met in two years and security in the country is still largely dependent on the presence of an international police force, which is accompanying the very young and inexperienced Haitian civilian police in its first four years of existence. Economic, political and social progress in Haiti is painstakingly slow and the international community is tired of waiting - donor fatigue has visibly started to manifest itself, with the pending withdrawal of both MICIVIH and the United Nations Civilian Police Mission in Haiti (MIPONUH), as well as of bilateral international presences in the country by the end of 1999. Prospects are bleak, and there is the risk of a potential vacuum resulting in the situation deteriorating further.

9. At the time of writing, the General Assembly was expected to take action on a draft resolution authorizing a new United Nations presence in Haiti, following the termination of the MICIVIH and MIPONUH mandates. Based on the recommendations of a United Nations inter-agency multidisciplinary assessment mission which visited Haiti in October 1999, it was envisaged that the new United Nations presence would contain three substantive pillars, providing support and assistance to the judiciary, to the police and to the protection and promotion of human rights.

III. SPECIFIC FINDINGS

10. Most of the Special Rapporteur's interlocutors characterized Haiti as an inherently and structurally violent society, in which violence against women manifests itself in all its forms. Others noted that Haitian society does not believe that there is a culture of violence against women in particular but that the general violence affecting women was a result of a culture of repression of those who are vulnerable or inferior. (Women have only recently ceased to be considered as legal minors in Haiti.) In a dire economic situation, with over 80 per cent of the population living in extreme poverty, the violence only increases, resulting in a whole population without human rights. The Minister of Justice himself expressed the view that violations of human rights of women in Haiti are not only incidental but structural. The Minister for Foreign

Affairs recognized that "the situation of women in Haiti is not ideal", but considered that those in political power believed in the human rights of women. At the same time, he acknowledged that because of the lack of legal guarantees for women, their situation was very difficult. The Minister said that new bills for law reform on women's rights could be put forward in cooperation with the Ministry for the Status of Women once Parliament was functional, in January 2000.

11. The Minister for Social Affairs and Labour held that the root cause of the persisting violence against women was largely financial, since economically independent women would not let themselves be beaten without taking action. She estimated that 90 per cent of Haitian women were victims of violence; the situation was exacerbated by the still prevailing machismo culture. Therefore, her Ministry had initiated workshops in all provinces to help increase women's independence. These workshops are intended to teach and enhance women's vocational skills, such as handicraft and arts, in order to decentralize migration and ensure training for women and increase their capacities. Similarly, from 1991 to 1994, at the national penitentiary, the Ministry installed handicraft workshops for women detainees, selling the products on the outside. This revenue, which amounted to up to $50 per week, assisted women detainees in providing for their children from prison.

12. Most of the Special Rapporteur's interlocutors, including the Minister of Justice, recognized the pressing need for judicial reform in order to bring Haitian legislation into harmony with Haiti's obligations under international human rights instruments. The legal framework addressing violence against women is particularly inadequate. A United Nations representative expressed the view that "the lack of a working judicial system is perhaps the greatest violation of human rights in Haiti".

13. At the time of the Special Rapporteur's visit, the new Minister of Justice had only recently assumed his post. Nevertheless, the Special Rapporteur was impressed by the openness of the dialogue she had with the Minister, who clearly had a substantive understanding of the shortcomings of the Haitian judicial system, on the basis of which he formulated a number of strategies for the future to address these problems. The Special Rapporteur hopes that, since her visit, some of the areas of reform mentioned in her discussions with the Minister will have been translated into action.

14. The Minister openly admitted that national legislation, the Civil Code in particular, was discriminatory against women and that he was working with a commission of experts on legal reform in general. For that purpose, he had increased personnel in order to submit 30 bills concerning legislative revision, including a new penal code and a new criminal procedures code, to be presented to the new Parliament, which is to be elected in January 2000. In addition, the Minister was also intending to make proposals for ratifying those international human rights instruments to which Haiti was not yet a party, including the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, and for harmonizing national legislation with Haiti's existing obligations under international law. It was widely recognized that although Haiti had been a party to the Convention on the Elimination of All Forms of Discrimination against Women since 1981 and had ratified the Inter-American Convention on the Prevention,

Punishment and Eradication of Violence against Women (Convention of Belém do Pará) in 1996, the implementation at the national level of Haiti's obligations under international human rights law lagged far behind.

15. The Special Rapporteur is particularly concerned that Haiti has not submitted any reports under the Convention on the Elimination of All Forms of Discrimination against Women, in violation of article 18 thereof, which provides for periodic reporting on the implementation of the Convention. Haiti's initial report was due in 1982 and the subsequent periodic reports were due every four years thereafter, in 1986, 1990, 1994 and 1998. The Special Rapporteur strongly urges the Government of Haiti to cooperate with non-governmental and women's organizations with a view to preparing a consolidated comprehensive report to the Committee on the Elimination of Discrimination against Women without delay.

16. At the national level, the Minister believed that the proposed new legislative framework would enable the justice system to address various aspects of the human rights of women more effectively. In particular, the Ministry of Justice would cooperate with the Ministry for the Status of Women to obtain a more balanced and informed view of the issue of violence against women.

17. While the Minister believed that it was of fundamental importance to modernize the law and create new legal instruments, such law reform must be accompanied by new judicial institutions - the only way to change the system on a more durable basis. The Minister was therefore embarking on a revised training programme for a new generation of judges and was negotiating an increase in salaries for judges in order to attract new qualified people into the justice system. The Minister informed the Special Rapporteur that, at his request, human rights and domestic violence concerns had been integrated into the revised training curriculum for judges. In September 1999, 100 new judges were to be trained on the basis of the revised curriculum. The objective was to train 500 new judges over a five-year period. At the time of the Special Rapporteur's visit, 60 new judges had already entered the system.

18. When the Special Rapporteur inquired about the lack of a family code, the Minister of Justice indicated that he would consider cooperating with the Ministry for the Status of Women with a view to the possible drafting of such a code.

19. The Minister for the Status of Women, established in 1994, has representation in all provinces. In the past, the Ministry also had coordinators at the community level in all provinces, but for lack of financial resources had to abolish those posts. That was seriously affecting the outreach and promotional capacity of the Ministry. In order to combat the culture of non-reporting and tolerance of violence against women, the Ministry for the Status of Women has launched a radio/television campaign denouncing rape as a crime. The Ministry has also, in cooperation with women's organizations, participated in a negotiating committee with parliamentarians (Comité de Négociation avec les Parlementaires), to present new bills to Parliament on rape, sexual abuse, including sexual harassment, and domestic violence, in accordance with Haiti's obligations under international human rights instruments, in particular the Inter-American Convention of Belém do Pará. However, no progress has been made in this direction since the legislature had not been functional for nearly two years at the time of the Special Rapporteur's visit. Nevertheless, the Special Rapporteur considered this dialogue

between women's organizations and parliamentarians encouraging, although law reform has been achieved in only one of the four priority areas identified by the women's organizations (decriminalizing abortion in certain circumstances, legal protection for domestic workers, decriminalizing adultery and redefining rape).

20. The Special Rapporteur was also pleased to note that the women's organizations on the committee, cooperating with the Ministry, had translated the Convention of Belém do Pará into Creole and were actively disseminating it. The Special Rapporteur welcomed the indication that the committee was also coordinating the drafting of Haiti's periodic report under the Convention on the Elimination of All Forms of Discrimination against Women, especially in view of the significant delays in the fulfilment by Haiti of its reporting obligations.

21. The Special Rapporteur was particularly interested in "Projet Plaidoyer", initiated by the committee in cooperation with the Ministry for the Status of Women. This is a pilot project to provide legal assistance and representation to women victims of violence. The project focuses on cases of political rape and violence against women submitted to the Truth and Justice Commission. Lawyers and provincial coordinators of the Ministry cooperate to carry out investigations and research with a view to presenting cases before the courts in the provinces of origin of women victims of violence, with a view to establishing jurisprudence. The Special Rapporteur would like to encourage this initiative strongly and hopes that it has made progress since her visit.

22. At the time of the Special Rapporteur's visit, MIPONUH had 147 international police in the country with a mandate to professionalize the Haitian police force. MIPONUH assisted in setting up the Haitian National Police in 1995 and is now tasked with accompanying the national police in their work. It should be noted that the Haitian police force is just over four years old and, in view of the enormous pressures on it, is very fragile and inexperienced. This is the first time that Haiti has had a national civilian police force; the transition from a mentality of enforcing power and being the instrument of repression to one of serving and protecting has not been easy. The Inspector-General's Office of the national police force is an internal oversight mechanism which carries out internal investigations into abuse of power and violations committed by members of the police force. The internal inquiry, to which MICIVIH contributes by providing information on alleged human rights violations, results in recommendations concerning the sanctions and disciplinary measures to be applied in each case. This administrative decision is, however, not supported by a functioning judicial system, which makes these internal control mechanisms ineffective. The Ombudsman's Office also deals with allegations of police brutality which are communicated to the General Inspector. However, the Ombudsman complained of serious delays in investigations by the General Inspectorate. In addition, since most investigations result in disciplinary action rather than compensation, the Ombudsman's Office is trying to obtain legal representation for the poorest plaintiffs in order to bring cases before the courts for compensation.

23. The Special Rapporteur was particularly pleased about her open and substantive discussion with the Chief of Police, Mr. Pierre Denizé, considering the crucial role that the police play in preventing and addressing violence against women in their communities. At the outset, the Chief of Police pointed out that it was not surprising if a certain price had had to be paid for the hasty training of 5,300 officers in 1994 for four months and their subsequent

deployment across the country without supervision or "encadrement". The Chief of Police also indicated that he was both personally and institutionally aware of the problem of violence against women and of the need for increased police training in this area. He informed the Special Rapporteur that basic police training had recently been extended from four to nine months, based on the approach that the police could and should act as development agents within their communities. The extended training included some components on the human rights of women and on violence against women. The Chief of Police indicated that he intended to cooperate further with the Minister for the Status of Women and women's associations in these areas.

24. The Special Rapporteur's delegation was able to observe one of the training courses on violence against women, conducted by MICIVIH for new police cadets. The course consisted of a useful combination of training concerning the international, regional and national legal instruments protecting against violence against women, and discussions on cultural and traditional aspects of violence against women in Haitian society. The training, provided by a local consultant in cooperation with international MICIVIH staff, evidently stimulated much reflection on a topic which the young, mostly male, police recruits recognized as a long-standing issue affecting Haitian women and girls. The Special Rapporteur commends this training, which also demonstrated the effectiveness of cooperating with a local facilitator familiar with the local traditions and language, as well as with the relevant international standards.

25. The Chief of Police also recognized that, in addition to improved training, the whole system whereby victims could lodge complaints with the police would need to be revised. He was very preoccupied with the follow-up to reporting a crime, including violence against women, which was alleged to be slow and ineffective. With regard to the participation of women in the police force, in June 1999 only just over 7 per cent of police officers were female. The Chief of Police indicated that he was exploring the possibility of quotas for women, while at the same time attempting to improve working conditions for female police officers, including treatment by fellow officers and commanders.

26. In response to an inquiry about the presence of ex-army elements in the police force, the Chief of Police dismissed this as a "useless categorization" since their numbers were not significant and the percentage of human rights violations committed by ex-army elements in the police was zero. What the Chief of Police drew attention to, however, was the fact that the Haitian police force was the product of a society whose historical development was such that it did not recognize nor have any experience of an institutional human rights policy. In his view, the way to break the tradition of impunity was to investigate and publicly address human rights violations within the police force. For that purpose, the internal investigative machinery of the police force, the Inspector-General's Office, had been strengthened, resulting in over 600 officers having been dismissed (some 10 per cent of a police force totalling 6,100 officers in June 1999), of whom approximately 100 had been handed over for prosecution. The Chief of Police considered that the undue delays on the part of the Inspector-General's Office alleged by non-governmental organizations and the Ombudsman's Office were simply caused by overload. With regard to a destructive police raid carried out on the Solidarité femmes haïtiennes (SOFA) clinic, the Chief of Police indicated that the matter was being handled by the Inspector-General.

27. The Chief of Police pointed out the impact of a dysfunctional judiciary on the effectiveness of the police force. It was important for the police to develop a notion of working

for a system that worked effectively, since ineffective or non-existent follow-up by the judiciary of cases submitted by the police led to demoralization and an increase in human rights violations. More constructive and coherent relations between the police and the judiciary were essential. In the same vein, the Chief of Police said that, while he recognized the non-negligible support extended by MICIVIH and MIPONUH to the police, the extension of the "moral eye" and presence of MICIVIH to the judiciary and not only the police would have been useful. The Chief of Police noted positively the preventive role of MIPONUH in accompanying the local police, which would need to be replaced with an alternative mechanism in the case of MICIVIH and MIPONUH withdrawing.

28. As far as the future of the police force was concerned, the Chief of Police pointed out three challenges which would have to be overcome in order to consolidate the role of the civilian police in Haiti: first, "politicization" of the force by politicians using it "as their ticket to ride" must be avoided; second, the existing rampant corruption, including that connected with drugs, needed to be addressed; and third, "gangsterization" (the grouping of members of the force in gangs) had to be battled. The Special Rapporteur calls on all members of the police force to meet these challenges, with a view to establishing a respected tradition of civilian police in the country.

29. The Special Rapporteur met with the Ombudsman, whose post was established in 1997. The Ombudsman's mandate is to protect all citizens from violations by government officials. Most of the cases submitted to the Ombudsman concern allegations against the police (of which 25 per cent are allegations of police brutality). His Office is also looking into the possibility of providing legal assistance to prisoners without lawyers. Furthermore, the Ombudsman expressed concern at the situation of women in Haiti and indicated that he would like to have a specialist within this Office to deal with questions relating to rape, sexual harassment and other violations of the human rights of women. He said that, as a result of lobbying by women's organizations, he was intending to make contact with the Ministry of Justice to discuss how to assist women victims of political rape. In this context, the Special Rapporteur noted with concern the serious underfunding of the Office of the Ombudsman, both human and financial, despite some assistance from UNDP and bilateral donors. The Office of the Ombudsman had, at the time of the visit, no representation outside Port-au-Prince. The Special Rapporteur believes that strengthening the Office of the Ombudsman and allowing cases to be brought to the Office could serve as a catalytic factor in addressing the situation of extreme violence ingrained in Haitian society. The Ombudsman indicated that for his Office to play a more meaningful role in the promotion and protection of human rights, his staff of seven would need to be increased at least to 25 staff. Provincial representation for the Ombudsman in all provinces would be of the utmost importance in order to reach the rural population, who are mostly illiterate and do not have the money to travel to the Office of the Ombudsman to deposit their allegations.

30. The Ombudsman also indicated to the Special Rapporteur that, following monthly demonstrations by women's organizations to bring their concerns to the attention of the Government, he had met with the Prime Minister in the week before the Special Rapporteur's visit in June 1999. During this visit, the Prime Minister had expressed his willingness to receive demands from women's organizations with a view to working together with the Ombudsman to find solutions for those demands. The Ombudsman therefore had decided to convene a committee with all the women's groups to discuss strategies for prioritizing their concerns. The

Special Rapporteur considers this an important initiative and hopes that progress has been achieved since her visit and that a dialogue between the women's organizations and the Government is ongoing. The Special Rapporteur would also like to endorse strongly the recommendations relating to the human rights of women made in the Ombudsman's first report to the President and Prime Minister, including

(a) The establishment within each ministry of a committee on sexual harassment mandated to discuss all problems faced in the workplace and to receive individual complaints of sexual harassment;

(b) The establishment within each ministry of a day-care centre for women employees with young children;

(c) The development of coordination between the Ministry for the Status of Women, the Ministry of Justice and the National Police to elaborate a strategy against violence against women (in this connection, the Special Rapporteur suggested the inclusion of the Ministry of Social Affairs and Labour, and the Ministry of Health);

(d) The establishment of an inter-ministerial commission to investigate and remedy salary discrimination against women.

A. Domestic violence

31. In view of the inadequate legal guarantees to combat violence against women, it is not surprising that no special domestic violence legislation exists in Haiti. Violence against women is punished under general laws against assault and battery, depending on the circumstances of attack and the degree of injury to the victim. [3] The Minister for the Status of Women said that domestic violence was quite prevalent in Haiti, mainly taking the form of battering and psychological violence. While there were no systematic and updated statistics on violence against women, the Ministry for the Status of Women had registered 2,000 cases of physical violence committed between November 1994 and June 1999 (in 1,800 of which, the perpetrators were spouses or partners). A study of 1,705 women undertaken by the Centre Haïtien de Recherches et d'Actions pour la Promotion Féminine (CHREPROF) in 1996 showed that in 36 per cent of cases, violence against women was perpetrated by their partners and that the most common forms of violence were sexual (37 per cent), physical (33 per cent) and sexual violence and abuse (24 per cent). [4] The study also confirmed that the use of violence was not related to level of education, religious beliefs, or economic or marital status, but was prevalent in all strata of Haitian society. In fact, the Special Rapporteur learned that 80 per cent of the men interviewed in the same study considered that violence against women was strictly a family matter, and attempted to justify such violence in cases where women showed disrespect for or disobedience to their partners.

32. The Special Rapporteur noted with particular concern that there is also no family code in Haitian legislation. The lack of adequate legislation is exacerbated by and/or results in a culture of non-reporting and of acceptance of violence against women as a matter of general principle. The study mentioned above held that 66 per cent of women victims never reported acts of violence for fear of reprisals and societal prejudice, as well as for lack of adequate legal

mechanisms and support structures.[5] MICIVIH confirmed that the police were not responsive to the concerns of women victims of violence. The Special Rapporteur was encouraged to learn that the law reform proposed by the Minister of Justice also included consideration of how to approach domestic violence more effectively in law. The Committee for Negotiating with Parliamentarians, a coalition of 23 women's organizations working with the Ministry for the Status of Women, is also concerned that marital rape is not recognized as a crime in law, and that laws governing divorce and adultery are discriminatory against women, always assigning the burden of proof to women.

33. Upon inquiring about services for victims provided by the Ministry of Social Affairs and Labour, the Special Rapporteur was informed that the Ministry operates a telephone hotline for mistreated children, most frequently girls. These girls are then taken to training centres operated by the Ministry. There are also medical centres for children, staffed by psychologists and social workers. The Special Rapporteur was concerned that such assistance for victims of domestic and other violence seemed to be mainly targeted at children. Although the CHREPROF study showed that 38 per cent of violence against women is targeted at girls between the ages of 10 and 18 years, the Special Rapporteur noted with serious concern that the Minister for Social Affairs informed her that there are no shelters funded by the Government for women victims of violence. There is one shelter in Port-au-Prince operated by a non-governmental organization, KAYFANM. While the Minister recognized the need for a shelter, she considered that it was needed mainly for under-age mothers aged between 15 and 17 years, who apparently suffer most from family violence in Haiti. Similarly, the Special Rapporteur learned that there are no rehabilitation programmes for women and girls in prostitution, and that plans for establishing a centre for training women in prostitution in alternative income-generating skills had not materialized for lack of funds. Financial difficulties have also led to the representation of the Ministry in the provinces being cut and the Office of Family Protection within the Ministry now only has 15 trained social workers. The Minister also indicated that, for lack of resources, the Ministry was in no position to implement any preventive programmes with respect to violence against women.

34. While the Special Rapporteur recognizes the lack of resources to be a significant constraint on developing new programmes and services, she regrets that the Ministry for Social Affairs and Labour is seemingly channelling all available resources towards training programmes and workshops for women, at the expense of social services for victims, which are of crucial importance. The Special Rapporteur calls on the Minister for Social Affairs and Labour to reconsider spending priorities with a view to reorienting funds towards the provision of social services, including shelters, for women victims of violence.

35. In this connection, the Special Rapporteur was appraised of an initiative undertaken by Ms. Frédérika Alexis, the Prime Minister's wife, namely, providing services for women victims of violence. On the basis of research carried out in Port-au-Prince in 1997 and 1998, Ms. Alexis was able to confirm that the incidence of violence against women is relatively high and that women victims of violence generally are afraid of reporting it to the police. In 1998, she set up an office where 12 employees, including two doctors, two lawyers, two social workers and a priest, have provided medical, legal and social assistance to 200 women victims, 50 of whose cases were reported to be serious, needing immediate intervention. In order to be able to attend to women who need immediate assistance, Ms. Alexis has developed a proposal to establish a

rehabilitation and reintegration shelter for women victims, for which she was raising funds. It is envisaged that the "centre d'hébergement" should have buses at its disposal to transport women and children in need to the shelter for an undetermined period, where they could avail themselves of professional assistance, take part in rehabilitation and reintegration programmes and receive start-up financial aid on a reimbursable basis. The Special Rapporteur encourages donors to consider funding micro-projects at the grass-roots level such as this shelter project, since this might be the most direct way of ensuring that aid reaches the women who need it most.

B. Rape, sexual abuse and harassment

36. The Minister for the Status of Women indicated that rape was a frequent phenomenon, not only in Port-au-Prince but increasingly also in the provinces. In one recent case of rape of minors in the Plateau Central region, the perpetrators went unpunished until the Minister herself took up the issue with the Minister of Justice. The phenomenon of "zenglendos", or thugs, breaking into houses at any time, raping and beating the women, started during the Cedras regime as a form of political pressure but has now become a common practice of criminal gangs, terrorizing the entire population.

37. While rape is a crime under the Haitian Penal Code (art. 229), it is not recognized as a serious crime because no jury trial is required. Consequently, cases of rape are mostly settled financially out of court. For example, if a girl is raped by her teacher, it is generally expected that the rapist marry the victim and no criminal case is brought against the perpetrator. In addition, as one researcher points out, rape is never defined in the law but classified among crimes against morals ("atteintes aux bonnes moeurs"). Consequently, the rape of a woman who is not a virgin has been attributed less importance by courts than that of a virgin. [6]

38. Many of the Special Rapporteur's interlocutors raised the issue of teenage pregnancies as a result of rape and sexual harassment in schools, as being a serious problem in Haiti. She was told that if a girl was raped/impregnated by her teacher or director, the pregnant girl would be expelled from school, in serious violation of her right to education. Another serious form of violence against women that came to the Special Rapporteur's attention was the violence and sexual abuse committed against young female domestic workers. Rural families in particular, often send their teenage daughters to work as domestic help in households ("restavek"), thus contributing to the family income. These young girls are frequently at the mercy of their employers and, reportedly, the incidence of physical and sexual violence, resulting in pregnancy, are high. Between November 1994 and June 1999, the Ministry for the Status of Women registered 900 cases of adult women and 1,500 cases of girls between the ages of 6 and 15 years victims of sexual abuse and aggression. The Special Rapporteur is seriously worried about the disproportionately high numbers of young girls who are the victims of violence. The Ministry for the Status of Women informed the Special Rapporteur that it had been trying to assist these young women and girls in difficult situations by providing them with the bus fare to return home and by facilitating their return to a school near their home.

39. In the same period (November 1994-June 1999), the Ministry had registered 500 cases of sexual harassment against women. The Minister for the Status of Women explained, however, that sexual harassment was not publicly spoken about and hardly considered a form of violence against women. Nevertheless, according to the Ministry, women's groups were including this issue in their public awareness campaigns in order to encourage women to denounce and fight against sexual harassment. The Special Rapporteur was pleased to hear that the Ministry for Social Affairs and Labour was working towards including provisions against sexual harassment in the internal regulations of enterprises and businesses, and that the Ministry was participating in the drafting committee that would propose revised legislation to Parliament.

40. Upon inquiring about services for victims, the Special Rapporteur was informed by the Minister for the Status of Women that the judicial and political institutions were simply overburdened with compensation claims and requests for victim assistance, since there were so many women victims of violence, especially in the aftermath of the coup d'état. The Minister said that in order to extend effective victim assistance, the Ministry would have to be substantively strengthened. In this context, the Minister indicated that her Ministry was mandated to receive cases of violence against women through the Committee on Violence against Women, established within the Ministry. However, owing to lack of personnel and lack of adequate training in processing cases, the Ministry has not been able to perform those tasks. The Minister mentioned that she did not even have one lawyer or legal expert at the Ministry, but relied on the help of two law graduates.

C. Women in detention

41. At the time of the Special Rapporteur's visit, Haiti had a total of 3,500 prisoners. There are, however, no women's prisons in Haiti. Women are detained in mixed facilities, with men and children, not even necessarily in separate living quarters, with the exception of Fort National, a prison in Port-au-Prince. When the Special Rapporteur inquired into the lack of women's prisons, the Minister of Justice explained that, in 1995, President Aristide had provisionally separated all women and children prisoners in Fort National, with a view to building a women's prison. However, in 1999, those provisional measures were still in place. The Minister of Justice informed the Special Rapporteur that he had created a commission to study the situation of women in prison. As an immediate result of this investigation, 30 women detainees had been released. The study is intended to clearly identify the situation of all women imprisoned in Haiti, especially considering that 90 per cent of them are in preventive detention (pending sentencing) and only 10 per cent have actually been sentenced to deprivation of liberty. This statistic, according to the Minister of Justice, points to a deeper fault in the system, namely the traditional way of carrying out investigations by which the alleged perpetrators were sometimes sentenced before the investigation was terminated. The Minister stated his intention to introduce change, making "prison an exception, not a generality".

42. The overcrowding and inadequate conditions in detention in Haiti are exacerbated by the fact that in the entire country there are no prisons by definition, there are only detention centres or penitentiary facilities - therefore, the rehabilitation and reintegration aspect is lacking. The Director of Fort National, which the Special Rapporteur visited, emphasized that Fort National was not a prison but simply a barracks put to other use, which meant that it had not been built for the purposes of prolonged detention. The Minister of Justice indicated that there were plans to

integrate a rehabilitation and reintegration programme, valued at 3 to 4 million dollars, into the prison system. However, there was a serious lack of funding, especially because donors preferred to provide expertise and human resources rather than investing in or contributing to the building of institutional structures. The Minister advocated a comprehensive approach to assistance which would combine the organization of training courses and seminars with the provision of financial support for infrastructure.

43. At the time of the Special Rapporteur's visit to Fort National prison in Port-au-Prince, in June 1999, 116 prisoners were detained there, of whom 71 were women. The Special Rapporteur noted with concern that only 4 out of 71 women detainees had been sentenced; many had been held in pre-trial detention for up to two years. There were also 11 girls under 18 years of age, of whom two had been sentenced, living in the same cell as the women. In addition, one cell at Fort National was empty following an attempted break-out and riots, and a third cell held boys under 18 years of age. The Special Rapporteur would like to recall the United Nations Standard Minimum Rules for the Treatment of Prisoners, rule 8 (d) of which states that young prisoners shall be kept separate from adults. While recognizing the efforts made by the new prison management at Fort National, the Special Rapporteur observed especially that the conditions of the living and washing quarters were seriously substandard and overcrowded, not surprisingly with all 82 female prisoners living in a single cell with no privacy, dividing walls or curtains.

44. The Special Rapporteur notes that there are both female and male guards at Fort National, while recalling rule 53 (3) of the United Nations Standard Minimum Rules for the Treatment of Prisoners, which stipulates that women prisoners shall be attended and supervised only by women officers. The Special Rapporteur was informed of the case of a 15-year old girl, who had entered prison in Cap Haitien as a virgin, becoming pregnant. MICIVIH took over her case, but upon delivery of her baby, she fled the hospital. In this connection, the Special Rapporteur welcomed the announcement by the Minister of Justice that he was planning to recruit 100 female guards to work exclusively with the female prison population. The Special Rapporteur calls on the Government of Haiti to allocate resources to make it possible for the United Nations Standard Minimum Rules for the Treatment of Prisoners to be fully implemented, with a view to ensuring the safety and security of and adequate living conditions for the prison population.

45. UNDP informed the Special Rapporteur of a project aimed at rehabilitating the Haitian penitentiary system. The project, financed mainly by the Government of Canada and USAID, addressed issues such as separating men, women and children, overpopulation and the creation of a mechanism for tracking the prison population. At the time of the visit, there were 15 detention centres, all with functional records of their population. The Special Rapporteur noted that this was one of the most tangibly successful projects implemented by the United Nations in cooperation with MICIVIH. However, it focused mainly on the Central Prison for men, whereas the Special Rapporteur was concerned that UNDP, in cooperation with the Ministry for the Status of Women, was facing serious difficulties in obtaining funding for its project targeting female detainees.

46. The Special Rapporteur also echoed concerns expressed in a MICIVIH study on the rights of women and minors in detention, namely that women detained in any other detention

facilities share living quarters with male detainees, in complete contravention of international prison standards, and are therefore increasingly vulnerable to sexual abuse and violence from male inmates.[7] On the other hand, when women detainees are transported to the only detention facility exclusively housing women and minors, in Port-au-Prince, they are far away from their families, reinforcing the family separation factor.

47. The Special Rapporteur was informed that the Minister for Women had initiated an awareness-raising activity at Fort National on Mother's Day in May 1999 which resulted in the liberation of 30 women detainees by decree of the Minister of Justice.

D. Political rape

The testimony of Immacula (aged 33)

48. On the night of 16 October 1991, Immacula was at home with her husband and six children, when a number of masked men with heavy weapons broke through the fence and invaded her home. The men put Immacula on the floor, handcuffed her husband, and then three of them raped her, hit her in the face and brutalized her, in front of her husband and children. The youngest child who is six years old now, still repeats the story of what happened that night. Because her husband supported Aristide, they were put into prison for six months, after which they had to live in hiding. Once, when Immacula and her family were temporarily staying with her sister-in-law, her persecutors followed her into the house, raped her again and also raped her sister-in-law. Her sister-in-law died as a result of injuries sustained from the brutal rape and Immacula has since had to take care of her sister-in-law's children, as well as of her own. She has not received any assistance or compensation for the violence suffered.

The testimony of Saintanie (aged 42)

49. Saintanie's husband was a militant fighter for democracy. On 23 September 1993, his name was mentioned in a radio broadcast, along with other militant pro-democracy activists. That night, six masked men in black clothes forced their way into their house, three of the men took her husband with them and three of them raped Saintanie. Her six children were beaten with the guns. After the incident, Saintanie and her children could no longer stay in their house but fled to another neighbourhood. They went to a refuge for Aristide supporters where they were given medical and psychological help, as well as some financial assistance for a new place to live. Saintanie still feels victimized every day and is disillusioned because, despite President Aristide's return, nothing happened. Not even the recommendations of the Truth and Justice Commission have been implemented. Her husband never returned. Now Saintanie has filed a case before the courts and is awaiting an outcome. She is not hopeful.

The testimony of Ellesibles (aged 35)

50. In 1990, Ellesibles belonged to a group of clandestine militants who came together again after the coup d'état to support Aristide. On 2 July 1994, four men broke into her house, dragged her and her mother out of the house, forced her to the ground under a tree, beat her and raped her - in front of her mother. The men had been looking for the coordinator of her group. He came to get her after the incident and took her to a hiding place for victims of political rape. She

received medical and legal aid, along with 150 other members of her group, of whom 60 were victims of rape. Ellesibles has lived in the same hide-out since 1994, but when the Special Rapporteur interviewed her she was desperate because her safe haven was about to be closed down for lack of resources. She has no home and no job. She broke down in tears, saying "All this hurts, it hurts a lot".

The testimony of Esperance (aged 28)

51. On 13 February 1993, a group of armed men came into the house where Esperance was living with her parents, who were political activists. They created disorder in the house, raped her 19-year-old sister in front of her, beat her and her brothers, beat her mother, beat her father and took him away. Esperance has not seen her father again. Esperance fled to a southern province. When her mother died in 1995, traumatized by the loss of her husband, Esperance had to leave school to take care of her younger siblings. Since they had no permanent place to live, her family is now dispersed, the siblings living temporarily wherever they find a place. Esperance filed a complaint with the Truth and Justice Commission when she heard about it. Nothing happened concerning her case. Her sister still suffers from serious medical conditions as a consequence of the rape ("le corps se souvient" - the body remembers).

The testimony of Yvette (aged 29)

52. On 4 February 1994, Yvette went with other women to the market, as she did every day, to sell her merchandise, although the Front révolutionnaire pour l'avancement et le progrés du pays (FRAPP) had issued a call to strike. Before long, armed men attacked them, destroyed their merchandise and beat them. As Yvette said "les armes ont chantés" ("the guns were singing"). Later that night, men in army uniform with masks entered her house and started carrying away her property, passing it to a sergeant who was waiting outside. The masked men raped Yvette and beat her sister because she had her period and they did not rape her. In the aftermath of the incident, Yvette and her sister received medical, psychological and housing assistance from SOFA. However, since then, they have been moving from place to place, too afraid to go back to their house because the perpetrators of the violations are still free. Yvette is a petitioner of a collective complaint filed by a group of women victims of political rape. They are still awaiting the outcome.

The testimony of Suzette (aged 35)

53. Suzette's boyfriend was a militant fighter for democracy and was out in the streets with his colleagues on the night of 20 October 1993. That night, six armed masked men forced their way into Suzette's home. They hit her, beat her, kicked her in the stomach with their army boots and finally three of them raped her - Suzette was seven months pregnant. They asked questions about her boyfriend. One week later, Suzette had contractions and heavy bleeding. Although a doctor did his best to save the child, Suzette's baby was born dead. Suzette received medical care and assistance from SOFA but she contracted sexually transmitted diseases and suffers from recurrent typhoid and malaria. She has moved in with her mother for fear of returning home.

The testimony of Marie-Francoise (aged 35)

54. Marie-Francoise, then seven months pregnant, was at home with her husband, her daughter and her brother on the evening of 13 August 1994, when there was a blackout in her district of Port-au-Prince. With her family, she went out into the garden to get fresh air, when a white van pulled up in the street next to them. Ten or eleven masked men jumped out and shoved them back into their house. They shot her brother point-blank and three of the men raped Marie-Francoise despite the fact that she was in an advanced stage of pregnancy. They hit her on the head. Her husband disappeared that night and never returned. Despite the trauma, Marie-Francoise had a healthy child. However, her head still hurts from the beatings she sustained. On the basis of a medical certificate documenting her rape, Marie-Francoise filed a collective complaint before the Truth and Justice Commission, but no action has been taken since the publication of the Commission's recommendations.

55. The voices of Immacula, Saintanie, Ellesibles, Esperance, Yvette, Suzette and Marie-Francoise are but a few. During her mission, the Special Rapporteur interviewed 32 women victims of political rape whose stories are all equally shocking, brutal and inhuman and who represent countless other women in Haiti who have experienced the same horror. The pattern of violence is the same: the victims were either themselves or were relatives of pro-democracy supporters; the incidents occurred in the evening or late at night at the houses of the victims; the attackers were masked armed men in groups of between 3 and 12, sometimes wearing military uniform, who ransacked the houses of the victims, beat them, killed them and raped them; then abducted the men of the family and left the victims to fend for themselves, sometimes returning with more threats and intimidation.

56. The exact number of women victims of political rape, which was most common in the period 1991-1994, is not known. However, between January and May 1994 alone, MICIVIH reported 66 instances of rape[8] and an investigation by Human Rights Watch in 1994 reported "a campaign of systematic violations of human rights that clearly includes rape".[9] The Truth and Justice Commission documented 140 cases of political rape but estimated that, in view of non-reporting and other circumstances, the actual incidence of political rape could be nearly 12 times as high, that is to say close to 1,680 cases.[10]

57. The women victims of political rape suffered incredible violence during the Cedras regime, yet five years later, their situation has not changed. They suffer from psychological trauma, and post-traumatic syndromes including latent depression; they suffer from serious medical conditions, including sexually transmitted diseases and HIV/AIDS infection, caused by multiple rape and brutality; their children remember and are traumatized; their husbands were killed or have left them; they do not have a permanent place to live; they do not have jobs; their merchandise was looted and stolen; they do not have enough food or medical assistance; nor do they have money to pay their children's school fees; but worst of all, the perpetrators of these crimes are still haunting them and are roaming around freely - justice has never been rendered and the women of Haiti are forced to live with the past every day of their lives.

58. The Truth and Reconciliation Commission was mandated in article 3 of the Presidential Decree establishing it "to pay special attention to violations of human rights committed by individuals or groups of individuals, notably against women victims or attacks of a

sexual nature committed for political ends".[11] In its special investigation of violence against women contained in its report published in 1996, the Commission found that, since 1991, numerous cases of rape had been detected which were part of a systematic political strategy in the context of general intimidation and repression against those opposing the coup d'état. The Commission held that such rape was undoubtedly committed for political ends, clearly manifested by the perpetrators in their threats, insults and accusations against the victims.[12] The Commission found that rape constituted a political weapon, an instrument to intimidate and punish women as a result of their direct or indirect links with those opposing the coup d'état. The Commission concluded that since the rapes and sexual violence committed against women were perpetrated by officials and agents of the State (members of the army, section chiefs, members of paramilitary forces such as the Front révolutionnaire armé pour le progrès d'Haiti/FRAPH and "zenglendos", all of whom were operating at the instigation of the army, supported by the army or with the army's consent) for political purposes, these acts were in clear violation of Haiti's obligations under article 2.1 of the International Covenant on Civil and Political Rights and article 1 of the American Convention on Human Rights. (Article 2.1 of the ICCPR stipulates that "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as... political or other opinion". Article 1 of the American Convention has a similar provision.)

59. The Commission also found the acts of political rape akin to cruel, inhuman and degrading treatment, in violation of article 5 of the Universal Declaration of Human Rights and article 5.2 of the American Convention. Furthermore, the Commission argued that by virtue of their nature the acts of political rape committed could be considered akin to torture since customary international law had developed to consider rape as torture when committed for political ends. Consequently, although Haiti is not a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Commission found these acts to be in violation of Haiti's obligations under customary international law.[13] Finally, the Commission held that the acts of rape and sexual violence perpetrated against women by officials and agents of the State for political purposes could be characterized as crimes against humanity, by virtue of their gross and systematic character and of constituting torture in accordance with the argument set out above.

60. On the basis of these substantive legal arguments, the Commission made a number of constructive and progressive recommendations, which the Special Rapporteur fully endorses:

(i) In the Haitian Penal Code, rape should be defined as an attack on the victim's physical integrity and well-being, as opposed to honour.

(ii) The rules governing the medical certification of rape should be revised to extend competence to other health professionals in certain remote areas where there are no medical doctors.

(iii) Forensic science should be taught and should be once again officially applied.

(iv) Training and education programmes should be developed for all persons who are in contact with and provide services for women victims of violence, including judges and law enforcement officials.

(v) Specialized services for women victims of violence should be established, including counselling, rehabilitation and reintegration programmes.

(vi) Awareness-raising campaigns for the public should be developed.

(vii) Judicial proceedings should be instituted against the alleged perpetrators of acts of rape noted in the report of the Commission with a view to due punishment of those found guilty and compensation for the victims.

(viii) Haiti should ratify, inter alia, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Inter-American Convention to Prevent and Punish Torture and the Inter-American Convention of Belem do Para.[14]

61. The Special Rapporteur is seriously concerned that the substantive recommendations made by the Truth and Justice Commission in the light of its comprehensive factual and legal analysis of the acts of political rape have not been implemented. In her dialogue with the Minister of Justice, the Special Rapporteur was pleased to learn that the Minister had established a follow-up committee to report on the implementation of the Committee's recommendations. The follow-up committee had recommended the establishment of a national commission of reparations with three objectives: to formulate a compensation policy; to assist in the reintegration and rehabilitation of victims; and to provide assistance in the legal procedures to bring perpetrators to justice. The Minister was preparing a bill for the President's approval, with the aim of establishing the national commission in July 1999. The Special Rapporteur noted that the Ministry for the Status of Women would be represented on the national commission.

IV. THE UNITED NATIONS SYSTEM, AND NON-GOVERNMENTAL AND WOMEN'S ORGANIZATIONS

62. The Special Rapporteur was extremely impressed and moved by the work of Haitian NGOs and human rights organizations. They have kept the issue of violence against women alive and they appeared to be extremely active in bringing victims to the forefront and in giving them courage to tell their stories. Many of the victims who spoke to the Special Rapporteur came because of the faith instilled in them by women's NGOs and human rights organizations.

63. Many of the NGOs and women's groups with whom the Special Rapporteur met, represent and work with women victims of violence or are composed of women themselves victims of violence who have seen the need to be organized in their common striving for justice. However, lack of proof and documentation, including medical certificates for rape victims, as well as the dire shortage of funding is seriously hindering their work. Nevertheless, the Special Rapporteur was impressed with the many important initiatives that these groups have undertaken for women victims of violence, in the absence of any governmental support or legal compensation.

64. In November 1997, Haitian women's associations mobilized as a result of the lack of government action to bring to justice the perpetrators of political rape and to implement the recommendations of the Truth and Justice Commission, and held an International Tribunal against Violence against Women in Haiti. The Tribunal heard testimonies of victims of violence and made recommendations addressing domestic violence, sexual violence, political violence and violence against handicapped women. The international panel of judges noted serious shortcomings in the judicial system, police practices and ineffectiveness, and the lack of initiative and shortcomings of the social and public health services. The panel recommended that the Government cooperate with women's organizations in drafting comprehensive legislation to eliminate violence against women. The panel also recommended, inter alia:

> Reforms to the criminal justice system, including the establishment of a women's police unit composed of female officers to receive complaints and conduct investigations on violence against women;
>
> Modifications to judicial proceedings, including the provision of safeguards for plaintiffs and witnesses in trials;
>
> Establishing shelters for women victims of violence;
>
> Developing education programmes in schools to eliminate gender-stereotyping and to institute human rights education and sexual education;
>
> Legalizing abortion in cases of rape, incest and danger to women's health;
>
> Amending the Civil Code to recognize common law marriage and introduce adultery as a motive for divorce.[15]

65. KAYFANM has a full-time office working with women victims of violence, receiving complaints of violations and providing medical, legal and psychological assistance. The organization has one lawyer and works together with other associations or private clinics on medical care. KAYFANM also provides up to three days of temporary shelter for women victims of violence but shelter space is insufficient to meet demand. SOFA is a women's organization that runs a clinic for women victims. The Special Rapporteur's delegation visited this clinic and interviewed women victims of violence. ENFOFANM publishes a monthly newspaper Ayiti Fanm, which has reported on all known cases of violence against women believed to be committed by the military following the coup d'état, including cases of political rape. FANMDJAM has established a school for 200 children of women victims of rape, since many of these women cannot afford school fees for their children.

66. However, when the Special Rapporteur inquired what the priorities of Haitian women's organizations are, they all replied unequivocally: to seek justice for the victims of political violence. In fact, most women's groups filed all known cases of political violence against women before the courts after the return to constitutional order in Haiti, requesting judicial

proceedings and compensation. Many organizations indicated that, more than individual compensation, the women victims and their representatives are seeking a political response from the Government.

67. In discussions, the Special Rapporteur was also appraised of other concerns. The members of the Committee on Negotiations with Parliament held that the assistance extended by the international community with respect to violence against women was completely lacking in coordination and programmes had been implemented without the Government or the local women's groups being consulted. They were of the opinion that the United Nations inter-agency campaign to eliminate violence against women ("Yon vi kote vyolans pa ladan, se dwa nou tout") had failed for lack of consultation with and involvement of local organizations. In addition, the representatives cautioned the Special Rapporteur that the United Nations agencies in the country believed in the myth that the local women's groups were not working together. At a meeting of the United Nations Inter-Agency Group on Gender, the United Nations agencies working on the campaign to eliminate violence against women indicated to the Special Rapporteur that, in fact, many non-governmental organizations had not wanted to cooperate with them, largely as a result of the United Nations failed efforts to mediate between international and grass-roots NGOs to secure their common participation in the campaign. The Gender Group, however, assured the Special Rapporteur of its strong willingness to work more closely with national NGOs in the future, in particular on the campaign to eliminate violence against women. The United Nations agencies fully recognized that without substantive cooperation and support from Haitian women's groups the campaign would neither be meaningful nor effective.

68. While the Special Rapporteur fully supports the involvement of local and national organizations in programmes financed and implemented by international partners, she was able to detect a certain rivalry between the so-called more "intellectual" women's organizations and the grass-roots activist groups. In view of the very scarce resources available in the country, in particular for programmes targeting women's rights, the Special Rapporteur calls on all Haitian women's organizations to work together towards the same goals and to work with the international community, since there is no alternative if justice is to be achieved.

69. During her visit, the Special Rapporteur was able to participate in a meeting of the Inter-Agency Group on Gender, in which the United Nations agencies present in Haiti shared with her information about programmes they were implementing relating to violence against women. MICIVIH representatives informed the Special Rapporteur that since 1995 it had included human rights of women and violence against women in its programmes. MICIVIH in Port-au-Prince and its representatives in nine provinces have since then worked with non-governmental organizations and the media on radio spots, television programmes and meetings, as well as providing financial assistance to some organizations.

70. Since the beginning of 1999, MICIVIH has been broadcasting nationwide two radio programmes debating changes in current laws, including provisions relating to adultery and to the perception of rape in the criminal justice system. In addition to providing specialized training for police cadets concerning violence against women, and to supporting the Office of the Ombudsman, MICIVIH also appraised the Special Rapporteur of the inclusion of a violence against women component in a joint MICIVIH/SEA (Secrétaire d'État pour l'Alphabétisation) literacy project. Under this project it is intended to train 600 literacy monitors in the nine

departments of the country by the end of 1999, through a series of two-day seminars. The Special Rapporteur commends the inclusion of violence against women in this project, particularly for its outreach capacity to the provinces. Furthermore, the MICIVIH bases in all nine departments of Haiti conducted weekly activities with women's organizations, addressing women's rights and violence against women in radio programmes, training sessions and community discussions. Cultural activities and theatre festivals in Jérémie and Cap Haitien also focused on women's rights and violence against women.

71. MICIVIH had started discussions with the Ministry of Education to attempt to have human rights education included in the curriculum in primary and secondary schools, a project which regrettably was still pending two years after being initiated.

72. The United Nations Population Fund (UNFPA) is training the police force on reproductive health, including violence against women, family planning and sexually transmitted diseases. Such training is considered particularly important in view of the very high prevalence of HIV/AIDS among the force (20 per cent). In fact, the police force is considered a risk group in the context of HIV/AIDS (the prevalence rate amongst the general population is 6 per cent in rural areas and 10 per cent in urban settings). The UNFPA police training focuses on changing the image of the police and among the police so that they are perceived as agents of change in their communities. Consequently, they need to modify their own behaviour patterns. UNESCO has also participated with UNFPA and the Ministry of Education in developing a reproductive health curriculum for schools.

73. The United Nations Children's Fund (UNICEF) has been working with Governments and non-governmental organizations in proposing revisions to legislation relating to women's and children's rights. UNICEF also took part in a community-level campaign to empower communities to address violence against women in cooperation with local non-governmental organizations. UNICEF has also been approached by the police to assist and cooperate in addressing the plight of children in especially difficult circumstances. The International Organization for Migration (IOM) indicated that they were willing to contribute to the inter-agency media campaign, as well as to consider developing a programme on violence against women in relation to the forced repatriation and reintegration of women into society.

V. RECOMMENDATIONS

A. International level

74. The Special Rapporteur urges that the new United Nations presence in Haiti continue the functions of MIPONUH in accompanying, monitoring and guiding the national police force in its work, and, in addition, to provide continuity in the police training carried out by MICIVIH, on the human rights of and violence against women, as an essential contribution to increasing reporting on cases of violence against women, with a view to combating the phenomenon.

75. The Special Rapporteur recommends that international multilateral and bilateral development assistance funds should not be earmarked only for the provision of expertise and human resources, since many funds remain unused because of the lack of institutional structures to implement projects and programmes.

B. National level

76. The Special Rapporteur urges the Government of Haiti to ratify without delay the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

77. The Special Rapporteur calls on the Government of Haiti to comply with its existing obligations under international human rights law by harmonizing all relevant provisions of Haitian national law with international standards and by complying with its obligations to report to the treaty-monitoring bodies. In this respect, the Special Rapporteur strongly urges the Government of Haiti to cooperate with non-governmental and women's organizations with a view to preparing a consolidated comprehensive report to the Committee on the Elimination of Discrimination against Women without delay.

78. The Special Rapporteur calls on the Government of Haiti to implement the recommendations of the Truth and Reconciliation Commission and to take steps to punish the perpetrators and compensate the victims. Political rape should be condemned in the most definitive terms by the highest authorities in the land.

79. The Special Rapporteur calls on the Government of Haiti to amend its laws on rape to meet international standards, and to introduce new legislation with regard to domestic violence and sexual harassment.

80. The Special Rapporteur urges the Government of Haiti, NGOs and United Nations agencies to carry out research and come up with empirical findings on incidents of violence against women in order to assess the real nature of the problem facing Haitian society.

81. The Special Rapporteur urges that the Ministry for the Status of Women be financially and substantively strengthened, in particular with qualified legal personnel to receive and process allegations of violence against women, and be enabled to send representatives to all nine departments at the community level.

82. The Special Rapporteur calls for increased resources, both human and financial, including gender specialists, to be allocated to the Ombudsman's Office, to ensure representation in all provinces in order to reach out to the entire population.

83. The Special Rapporteur urges the Ministry for Social Affairs and Labour to redirect some funding towards providing social services for victims of violence, including establishing shelters for battered women in Port-au-Prince and in all the departments in the country.

84. The Special Rapporteur urges that all departments across the country establish at least one detention facility where women detainees can be held in separate quarters from the male prison population, in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners.

Notes

[1] UNDP, Human Development Report 1999.

[2] Robert Rotberg, Ed., Haiti Renewed: Political and Economic Prospects, World Peace Foundation, 1997, Virginia, p. 2.

[3] Anne Fuller, "Challenging violence: Haitian women unite women's rights and human rights", in Bulletin of the Association of Concerned African Scholars, No. 55/56, Spring/Summer 1999.

[4] Centre Haïtien de Recherches et d'Actions pour la Promotion Féminine, "Violences exercées sur les femmes et les enfants en Haïti", November 1996.

[5] Ibid.

[6] Commission Nationale Verité et Justice, "Si M Pa Rele: 29 septembre 1991-14 octobre 1994", Port-au-Prince, 1996, p. 84.

[7] Claudine, Jacob, "Droit des mineurs et des femmes detenus", MICIVIH, Port-au-Prince, September 1997.

[8] MICIVIH/OAS Press Release CP/94/28, June 1994.

[9] Human Rights Watch/National Coalition for Haitian Refugees, "Rape in Haiti: a weapon of terror, New York, 1994.

[10] Commission Nationale Verité et Justice "Si M Pa Rele; 29 September 1991 - 14 October 1994", Port-au-Prince, 1996, p. 42.

[11] Ibid, p. 40.

[12] Ibid, pp. 40-41.

[13] Ibid.

[14] Ibid., p. 85.

[15] Anne Fuller, 1999 (see note 3).

Annex

SELECTIVE LIST OF PERSONS WITH WHOM THE SPECIAL RAPPORTEUR MET DURING HER VISIT

Ms. Geri B. Préval	First Lady
Mr. Jacques E. Alexis	Prime Minister
Ms. Frédérika Alexis	Wife of the Prime Minister
Mr. Fritz Longchamp	Minister for Foreign Affairs
Ms. Nonie H. Mathieu	Minister for the Status of Women
Mr. Camille Leblanc	Minister of Justice
Ms. Marthilde Flambert	Minister for Social Affairs and Labour
Mr. Pierre Denizé	Director-General, Haitian National Police
Dr. Louis E. Roy	Ombudsman
Ms. Grassieux	Director, Fort National Prison
Mr. Julian Harston	Special Representative of the Secretary-General, MIPONUH
Amb. Colin Granderson	Executive Director, MICIVIH
Mr. Oscar Fernandez-Taranco	Resident Coordinator, UNDP Resident Representative
Ms. Jacqueline Rips	Gender Specialist, UNDP

The Special Rapporteur met with members of the United Nations Inter-Agency Group on Gender, including with representatives of MICIVIH, UNFPA, UNICEF, IOM, UNESCO and WHO.

The Special Rapporteur also met with representatives of the following non-governmental organizations and women's groups: FAVILEK, MAPVIV, SOFA, KAYFANM, CRAD (Seksyon Fanm), FANMYOLA, ENFOFANM, CNEH (Seksyon Fanm), Association Droit et Justice, Federation 30 Septembre, Association des Victims du Carrefour-Feuilles, FANMDJANM, Haiti Solidarité International, Centre F. Joseph de Promotion des Droits Humains, Union des Femmes Têtes Ensembles Pour La Vie Meilleure.